

FRANKLIN GRAY PATENTS, LLC
ROBERT H. FRANTZ, REGISTERED US PATENT AGENT

FACSIMILE TRANSMISSION

RECEIVED
CENTRAL FAX CENTER
MAR 28 2006

TO: Examiner Robert E. Rhode, Jr.
U.S. Patent and Trademark Office
GAU 3625
Fax: 571-273-8300 (Central Fax Server)

FROM: Robert H. Frantz
Franklin Gray Patents, LLC
Tel: 405-812-5613
Fax: 405-440-2465

DATE: Mar. 28, 2006

PAGES: 23 (inclusive)

In re the Application of:

BEST AVAILABLE COPY

Carl Phillip Gusler)
Serial Number: 09/864,113)
Docket Number: AUS920010251US1)
Filed on: 5/24/2001)
For: "Online Shopping Mall Virtual)
Association")

Group: 3625

Examiner: Robert E. Rhode, Jr.

Certificate of Transmission under 37 CFR §1.8

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office on:

DATE: Mar. 28, 2006 SIGNATURE: Robert Frantz

Robert H. Frantz, Reg. No. 42,553

NOTICE:

The information contained in this facsimile transmission is confidential. If you have received this transmission in error, please contact the sender immediately and destroy your copy.

P.O. Box 23324, OKLAHOMA CITY, OK 73123-2334
TEL.: 405-812-5813, FAX.: 405-440-2465
RFRANTZ@FRANKLINGRAY.COM WWW.FRANKLINGRAY.COM

In the United States Patent and Trademark Office

In re the Application of:

Carl Phillip Gusler)	
Serial Number: 09/864,113)	Group: 3625
Docket Number: AUS920010251US1)	Examiner: Robert E. Rhode, Jr.
Filed on: 5/24/2001)	
For: "Online Shopping Mall Virtual)	
Association")	

APPEAL BRIEF

Real Party in Interest per 37 CFR §41.37(c)(1)(i)

The subject patent application is owned by International Business Machines Corporation of Armonk, NY.

Related Appeals and Interferences per 37 CFR §41.37(c)(1)(ii)

None.

Status of Claims per 37 CFR §41.37(c)(1)(iii)

Claims 1 - 27 are finally rejected. The rejections of Claims 1 - 27 are Appealed.

Status of Amendments after Final Rejections per 37 CFR §41.37(c)(1)(iv)

No amendments to the claims have been submitted or entered after final rejections.

Serial No. 09/864,113

Carl Phillip Gusler

Page 2 of 22

Summary of the Claimed Subject Matter per 37 CFR §41.37(c)(1)(v)

This patent application claims a technology useful in online shopping, virtual malls, shopping web site navigation, and particularly technology for providing the ability of two online shoppers to be introduced to each other when they are visiting the same shopping web site, even though they are not previously known to each other (e.g. they are not on each others buddy lists), and they are not previously part of a group or association (e.g. they have not joined an introduction association such as a dating site). Accordingly, our claims to specify that the two shoppers who are automatically introduced to each other via the invention while using or visiting a same shopping web site *at the same time*, and that they were "*previously disassociated*" with each other.

More specifically, independent Claim 1 sets forth a method for providing this introduction through the steps of:

- (a) searching a list of concurrently online shoppers according to a set of search criteria (Fig. 8 #85; paras. [0032], [0056], [0057] and [0064]), the shoppers each contemporarily being a user of a common virtual shopping resource (Fig. 4 #304, paras. [0031], [0056]), the shoppers being otherwise disassociated with each other (paras. [0032], [0058]);
- (b) notifying a first online shopper that at least one other concurrently online shopper meets the search criteria (paras. [0056], [0057]); and
- (c) automatically associating the first online shopper with the one or more concurrently online shoppers meeting the criteria (para. [0052]).

Similarly, independent Claim 10 sets forth a computer readable medium encoded with software to cause a computer to perform introduce online shoppers by:

- (a) searching a list of concurrently online shoppers according to a set of search criteria (Fig. 8 #85; paras. [0032], [0056], [0057] and [0064]), the shoppers each contemporarily being a user of a common virtual shopping resource (Fig. 4 #304, paras. [0031], [0056]), the shoppers being otherwise disassociated with each other (paras. [0032], [0058]);
- (b) notifying a first online shopper that at least one other concurrently online

Serial No. 09/864,113

Carl Phillip Gusler

Page 3 of 22

- shopper meets the search criteria (paras. [0056], [0057]); and
- (c) automatically associating the first online shopper with the one or more concurrently online shoppers meeting the criteria (para. [0052]).

Likewise, independent claim 19 sets forth a system for introducing online shoppers having:

- (a) a master list of concurrently online shoppers (Fig. 8 #85; paras. [0032], [0056], [0057] and [0064]), the shoppers each contemporarily being a user of a common virtual shopping resource (Fig. 4 #304, paras. [0031], [0056]), the shoppers being otherwise disassociated with each other (paras. [0032], [0058]);
- (b) a buddy list searching facility adapted to search the master list of concurrently online shoppers according to a set of search criteria (Fig. 8 #85; paras. [0032], [0056], [0057] and [0064]);
- (c) an online shopper notifier for notifying a first online shopper that at least one concurrently online shopper meets the search criteria (paras. [0056], [0057]); and
- (d) a shopper associator adapted to automatically associating the first online shopper with the one or more concurrently online shoppers meeting the criteria (para. [0052]).

Serial No. 09/864,113

Carl Phillip Gusler

Page 4 of 22

Grounds for Rejection For Which Review is Sought per 37 CFR §41.37(c)(1)(vi)

Appellant requests review by the Board of the rejections of:

- (a) Claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 under 35 U.S.C. §102(b) as being anticipated by non-patent literature entitled "Surfing" by Cook (hereinafter "Surfing"), including web site page capture from Archive.org (hereinafter "Archive");
- (b) Claims 2, 11, and 20 under 35 U.S.C. §103(a) as being unpatentable over Odigo in view of US Patent 6,708,172 to Wong (hereinafter "Wong");
- (c) Claims 5, 6, 14, 15 and 23 - 24 under 35 U.S.C. §103(a) as being unpatentable over Odigo in view of US Published Patent Application 2002/0095465A1 to Banks (hereinafter "Banks"); and
- (d) Claims 7, 16, and 26 under 35 U.S.C. §103(a) as being unpatentable over Odigo in view of US Published Patent Application 2001/0034661 to Ferreira (hereinafter "Ferreira").

Appellant respectfully submits that the Examiner has erred in making these rejections in the following ways:

- (1) by improperly interpreting references for the basis of the rejection leading to rejections under 35 U.S.C. §102 and §103 which rely upon art that does not teach all of our claimed elements, steps, and limitations;
- (2) by basing rejections under 35 U.S.C. §102 and §103 on art which is not enabling to those ordinarily skilled in the art; and
- (3) by improperly combining references in the basis for a 35 U.S.C. §102 rejection.

Serial No. 09/864,113

Carl Phillip Gusler

Page 5 of 22

*Arguments per 37 CFR §41.37(c)(1)(vii)**Rejections of Claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 over
"Surfing" or "Archive"*

Claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 were finally rejected under 35 U.S.C. §102(b) as being in public use more than one year before the filing date of the present patent application, by the non-patent publications "Surfing" (hereinafter "Surfing") as published by the Daily Herald (Arlington Heights, Ill.), which refers to "Odigo.com". Examiner has cited pages archived by archive.org from Odigo.com presumably on May 10, 2000, hereinafter referred to as "Archive". Claims 1, 10 and 19 are independent claims, from which claims 3, 4, 8, 9; 12, 13, 17, 18, and 21, 22, 26 and 27, depend, respectively.

I. **Surfing and Archive Do Not Teach All of the Claimed Elements, Steps and Limitations**

As best as Appellant understands the formulation of the rationale for the rejection, the examiner has not proposed a combination of the Archive reference with the Surfing reference in a manner as prescribed under 35 U.S.C. §103. Instead, we believe Examiner considers them to be about the same reference, so they are cited as a single reference. We believe they must be considered separately under 35 U.S.C. §102, as they are technically separate non-patent documents from separate sources (e.g. a newspaper source and a web page archiving source). To treat them collectively as a single reference under 35 U.S.C. §102 would be to circumvent the requirements of establishing a prima facie case of obviousness under 35 U.S.C. §103, which is discussed in section of our arguments following this present section.

However, for the purposes of addressing the technical merits of the Odigo product as described by the Surfing and the Archive references, we first present our arguments regarding untaught steps, elements, and limitations.

Definition of "Previously Disassociated". In the Office Action dated 12/15/2005, the Examiner has argued that Appellant did not use the term "disassociated", and that Appellant's disclosure taught of adding new buddies to each other. However, no rejection for lack of antecedent basis was made because the disclosure supports the use of the term. Appellant

Serial No. 09/864,113

Carl Phillip Gusler

Page 6 of 22

believes the examiner's rationale is that adding a buddy to a buddy list, where the buddies are members of the same organization or service, is considered to be the same as or equivalent of automatically introducing users who are not commonly members of an organization or service.

Appellant points out that while the present invention can be used to add buddies to a buddy list who were previously known to a particular user through a particular organization, this is not the subject of the claims and cannot be properly read into the claims.

Appellant clearly disclosed embodiments of the invention which allowed users of the system to meet each other because they are concurrently shopping on the same shopping web site, based in one embodiment, for example, on the virtual location of the users within each other's vicinities. In this alternative embodiment, the users do not need to be previously known to each other through an organization or a buddy list.

Therefore, the term "disassociated" is appropriate as it means "not in association", where "association" is used in the sense of the first and second definitions according to Merriam-Webster's Dictionary of Law (© 1996 Merriam-Webster, Inc.) as reported by Dictionary.com:

association (noun)

1 : a group of persons who share common interests or a common purpose and who are organized with varying degrees of formality —compare CORPORATION

2 : the act of having contact or communication with or keeping company with another <freedom of association>

3 : the sharing (as by an aider and abettor) in the criminal intent of a person who commits a crime

In the sense of the first definition, our invention introduces users who have common interests and are commonly surfing a shopping web site, but who are not organized with a degree of formality (e.g. they are not members of a group or organization in common such as the Odigo community, AOL community, etc.).

In the sense of the second definition, our invention introduces users who have not previously communicated or "kept company" with each other (e.g. they have not added each other to their respective buddy lists).

Serial No. 09/864,113

Carl Phillip Gusler

Page 7 of 22

The Surfing NPL Reference. The entire extent of, not just a passage or quote from, "Surfing" is a merely two sentence summary of the operation of the Odigo product, which appears as follows:

"Odigo shows the sites most popular with Odigo users, with a bar graph over each site to illustrate just how popular they are. Once at a site, you can bring up a "radar screen" window that shows you which Odigo users are there." (Page 2 of 2 of "Surfing" as provided by the examiner from <http://proquest.umi.com>, printed on 12/13/04, emphasis added by Appellant).

Please note that the Odigo system introduces users of the Odigo system, but there is no mention of any other introductions being made. The question then turns to whether or not Odigo users are "previously disassociated" with each other, as we have claimed.

The Archive Reference. The pages as reportedly archived on May 10, 2000, apparently from the web site of the product or service provider, Odigo.com, as well as the citation from "Surfing", clearly describe a product which finds "Odigo users" or "Odigo community members" when they are visiting the same web site:

"This is the People Finder view of Odigo. See all those little figures in the circle? They represent the male and female (guess which ones are which!) Odigo members surfing the Net." (Odigo's "10-second tour" first page, emphasis added by Appellant)

"Wherever you're surfing, Odigo will show you who else is on the same site, ready to chat. Just click on the little man in the toolbar to instantly bring into view all the other Odigo members on the same site with you." (Odigo's "10-second tour", pg. 2 of 5 page, emphasis added by Appellant)

The other pages from the Odigo archive are clearly disclosing a "community" of users formed by installing and joining or using the Odigo product. These users have profiles, and even pictures, previously associated with their Odigo member ID numbers. As such, all users of

Serial No. 09/864,113

Carl Phillip Gusler

Page 8 of 22

Odigo are “previously associated” (not previously disassociated) with each other, before they visit a common web site, even if they have not actually communicated with each other yet. For example, there is no disclosure provided by Archive which discloses that Odigo can find users or visitors to a common website who have not previously downloaded, installed, and joined Odigo’s community of users, including establishing a “profile”.

We have claimed that the “shoppers” between whom we enable communications are visiting “a common virtual shopping resource”, and are “otherwise disassociated with each other”. In other words, they have not previously joined a common chat group, or common community, such as AOL, which would allow them to “find” each other. We have disclosed multiple methods for accomplishing this, including, but not limited to, introductions of members from each others’ buddy lists (para. 0054), and establishing communications between two shoppers currently viewing the same page (e.g. within the same virtual geographical mall space) as each other but who are not on each other’s buddy list (para. 0056).

As such, we have employed the term “otherwise disassociated” using the conventional definition, and consistent with our disclosure, to mean “not associated”; in any other manner other than the fact that they are currently visiting the same virtual shopping mall.

For these reasons, neither “Archive” or “Surfing” taken alone anticipate or place the applicant’s claimed invention in public use or on sale more than one year before the filing date of the present patent application. Hypothetically, if the rejection were made under 35 U.S.C. §103 as Surfing in view of Archive, the combination would still fail to teach all of our claimed steps, elements, and limitations. Applicant requests reversal of the rejections of Claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 for these reasons.

II. The Public Was Not In Possession of Invention Because Surfing and Archive Do Not Provide Enabling Disclosures.

As previously cited, the entirety of the Surfing disclosure is merely two sentences, and the Archive disclosure provides only a feature-level description of the Odigo service without any details of how the system accomplishes the features. As such, the sum of the Surfing and Archive documents fails to provide an enabling disclosure to those ordinarily skilled in the art, which is required for a reference under 35 U.S.C. §102. Applicant requests reversal of

Serial No. 09/864,113

Carl Phillip Gusler

Page 9 of 22

the rejections of claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 for these reasons.

III. The Combination of Surfing and Archive into a Virtual Single Reference Under 35 U.S.C. 102 is Improper

In the rationale for the rejections of claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27, the examiner has referred to the Surfing reference and the Archive reference “collectively”, virtually as a single reference.

As an individual reference under 35 U.S.C. 102 must teach all of the claimed elements, steps, and limitations, it generally is improper to combine documents or references. We believe they must be considered separately under 35 U.S.C. §102, as they are technically separate non-patent documents from separate sources (e.g. a newspaper source and a web page archiving source). To treat them collectively as a single reference under 35 U.S.C. §102 improperly circumvents the requirements of establishing a *prima facie* case of obviousness under 35 U.S.C. §103, which does not afford Appellant the opportunity to address them individually for their individual teachings, or to rebut any presumptions of conditions for obviousness.

Applicant requests reversal of the rejections of claims 1, 3, 4, 8, 9, 10, 12, 13, 17, 18, 19, 21, 22, 26 and 27 for these reasons.

Rejections of Claims 2, 11, and 20 Surfing or Archive in view of Wong

Claims 2, 11, and 20 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over the Surfing reference or the Archive reference in view Wong's patent. The Examiner has reasoned that Wong teaches the notification of a user of the existence of another user by a buddy position indicator on a graphical map of an online shopping mall. The portion of Wong's disclosure cited by the Examiner in support of this proposal states that in order for first user to find a second user, the first user must type in or enter the second user's name in order to search for that user. The Examiner has not provided rationale for how a first user who is unaware (e.g. previously disassociated) with a second user would be able to enter the second user's name in Wong's system.

Appellant submits that a *prima facie* case of obviousness has not been properly established, that Surfing or Archive in view of Wong does not teach all of the claimed elements,

Serial No. 09/864,113

Carl Phillip Gusler

Page 10 of 22

steps and limitations, that no motivation for making the combination has been established, and that the combined disclosures of the cited references do not provide an enabling disclosure to one who is ordinarily skilled in the art. For these reasons, Appellant requests the reversal of the rejections of claims 2, 11, and 20.

Rejections of Claims 5, 6, 14, 15 and 23 - 24 over Surfing or Archive in view of Banks

Claims 5, 6, 14, 15 and 23 - 24 were finally rejected under 35 U.S.C. §103(a) over Surfing or Archive in view of Banks. The Examiner has reasoned that Surfing or Archive do not teach finding online users of a shopping web site according to proximity of users in a virtual mall, or finding users by interest terms, but that Banks discloses these claim elements, steps, or limitations.

Banks' disclosure relates to chat servers, not online shopping malls; and provides the following disclosure of locating users by real geographic location, not by a virtual position within an online mall; and finding users by chat subject, not by user interest terms, as follows (emphasis added by Appellant):

[0064] Certain embodiments of the present invention have been described herein that use a database search to determine if the mobile user and/or information device has any **geographically matching** chat servers. A similar technique can be used to identify chat servers, chat groups, chat sessions, other information devices, and/or other users that match other attributes specified for and/or by the user and/or device.

[0065] One embodiment of the present invention uses **dietary- and/or health-related state variables of the user to match chat servers, groups, and/or sessions**. Such an embodiment can be used, for example, to link a patient to chat sessions that encourage the patient to take medications when the patient's blood sugar level drops below a particular level. As another example, a simple device can be used to

Serial No. 09/864,113

Carl Phillip Gusler

Page 11 of 22

monitor water retention in the body, which is a primary factor in predicting heart attacks. When conditions of high water retention exist, users can be invited into, and/or connected to, one or more chat sessions that discuss the problem. Note that this embodiment can be used independently of any location information.

[0066] Other examples of state variable-driven systems based on this embodiment can include **trading systems, dating systems, and news feed systems**. For example, a trading chat system, such as a **rare coin** chat system, can notify a user when a coin becomes available having identical and/or similar attributes as those specified by the user and can initiate a chat session between the user and the seller of the coin, and/or between those with interest in such coins. As another example, a **dating chat system** can notify a first user when a second user become available having self-attributes and/or partner-attributes identical and/or similar to those specified as desirable by the first user, and can initiate a chat session between these users. As yet another example, a **news chat** system can notify a user upon the occurrence of a news event, and can offer to connect the user to a chat group of others potentially interested in the same topic. Such news events can include, for example, the beginning of a sporting event, an announcement of a court decision, and/or the reporting of a catastrophe, etc.

Banks discloses a method for an information device to participate in a *chat session* based upon state variables, examples of which include dietary conditions, dating, coin trading, and news discussion groups. This is not the same as our invention that provides a dynamically created association of online shoppers of a common shopping resource. For example, to use

Serial No. 09/864,113

Carl Phillip Gusler

Page 12 of 22

Banks a chat room invention, one must register into a dating system, news chat group, etc., in order to establish Banks "state variables". Thus, all previously registered chat room participants are previously associated with each other (e.g. they all have registered for the "rare coin trading" group). Our invention, however, is unrelated to chat rooms, but instead allows users of online shopping resources such as virtual shopping malls to dynamically associate with each other. It facilitates notification of users that their "buddies" are concurrently using the same online shopping resource.

Additionally, Banks discloses (paragraph [0019]) that certain *physical* or *real geographic* factors may be employed in relation to chat group membership (emphasis added by Appellant):

[0019] FIG. 1 is a flowchart of an exemplary embodiment of a method 100 of the present invention. Method 100 can begin at activity 1010, wherein a mobile information device ("MID") is detected in a chat server's **geographical area**. This location detection can occur using any of many well known techniques and/or technologies, such as for example, **power attenuation, angle of arrival, time difference of arrival, triangulation, trilateration, dead reckoning, odometrics, radio beacons, GPS, Loran, infrared beacons, proximity beacons, roadside readers, the Federal Communications Commission's Enhanced 911 initiative, etc. ...**

However, our invention does not locate other shoppers based upon their real or geographic location, but upon their virtual location in a virtual shopping mall. To do this, each shopper's virtual location is determined by the online store (e.g. point within a web site structure) which the shopper is currently viewing or using.

Banks is silent as to such formation or dynamic association of online shoppers relative to their virtual location defined as their instant point within an online store in an online mall.

Examiner has failed to indicate where in the cited references motivation to combine Banks with Surfing or Archive; the combined references fail to teach all of the claimed elements,

Serial No. 09/864,113

Carl Phillip Gusler

Page 13 of 22

steps, and limitations; and for the previously discussed reasons, the combined references fail to provide an enabling disclosure. For these reasons, reversal of the rejections of claims 5, 6, 14, 15 and 23 - 24.

Rejections of Claims 7, 16, and 26 over Surfing or Archive in view of Ferreira

Claims 7, 16, and 26 were finally rejected under 35 U.S.C. §103(a) over Surfing or Archive in view of Ferreira. The Examiner has reasoned that Surfing or Archive do not teach setting the virtual position coordinates of two users to the same value, but that Ferreira teaches such function. The Examiner has cited Ferreira's Abstract, and Figures 3, 4, and 16 for this teaching. No citation to the text of Ferreira was made.

Terms such as position or coordinates do not appear in Ferreira's Abstract, and which is silent regarding our claim of "setting position coordinates for both shoppers to equivalent values", as can be seen from the full reprint of Ferreira's Abstract:

A virtual city service that provides access to a virtual city application is provided. Users may navigate among a virtual representation of a real region, such as a city. The interface may include images of actual city blocks that have interactive items of interest such as storefronts. Users may virtually shop in the stores that adorn the virtual city blocks. The virtual city application may process orders for all merchants—local or web-based. An artificial intelligence component may be used in the form of a back-end linear programming model to provide an intelligent personal assistant. Chore-management may thus be automated.

It is unclear and unstated in the Examiner's rationale for the rejections what items in Figures 4 or 5 are considered to disclose introducing two previously disassociated users and setting their position coordinates to be equal. Upon review of these two figures, only one position of one user appears to be disclosed. Ferreira's avatars for two users (#220 and #222) in Figure 16 are not described as having the same coordinates, as they are only mentioned once in paragraph [0093].

Examiner has not indicated where in the cited references motivation to combine

Serial No. 09/864,113

Carl Phillip Gusler

Page 14 of 22

Ferreira with Surfing or Archive; the combined references fail to teach all of the claimed elements, steps, and limitations; and for the previously discussed reasons, the combined references fail to provide an enabling disclosure. For these reasons, reversal of the rejections of claims 7, 16, and 26.

Conclusion

For the foregoing reasons, it is submitted that the rejections of Claims 1 - 27 were erroneous. Reversal of all rejections is requested.

Respectfully,



Robert H. Frantz, Reg. No. 42,553
Agent for Applicant(s) Tel: (405) 812-5613
FRANKLIN GRAY PATENTS, LLC

Franklin Gray Patents, LLC
P.O. Box 23324
Oklahoma City, OK 73127
Tel: 405-812-5613
Fax: 405-440-2465

Serial No. 09/864,113

Carl Phillip Gusler

Page 15 of 22

Claims Appendix
per 37 CFR §41.37(c)(1)(viii)

Clean Form of Amended Claims

Claim 1 (previously presented):

A method for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said method comprising the steps of:

searching a list of concurrently online shoppers according to a set of search criteria, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other;

notifying a first online shopper that at least one other concurrently online shopper meets said search criteria; and

automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria.

Claim 2 (original):

The method as set forth in Claim 1 wherein said step of notifying a first online shopper comprises providing a buddy position indicator on a graphical map of an online shopping mall.

Claim 3 (original):

The method as set forth in Claim 1 wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper name criteria.

Serial No. 09/864,113

Carl Phillip Gusler

Page 16 of 22

Claim 4 (original):

The method as set forth in Claim 1 wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position criteria.

Claim 5 (original):

The method as set forth in Claim 1 wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper interest term criteria.

Claim 6 (original):

The method as set forth in Claim 1 wherein said step of searching a list of concurrently online shoppers according to a set of search criteria comprises searching by an online shopper position proximity criteria.

Claim 7 (original):

The method as set forth in Claim 1 wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises setting position coordinates for both shoppers to equivalent values.

Claim 8 (original):

The method as set forth in Claim 1 wherein said step of automatically associating said first online shopper with said one or more concurrently online shoppers comprises establishing a communications session between said online shoppers.

Claim 9 (original):

The method as set forth in Claim 8 wherein said step of establishing a communications session between said online shoppers further comprises making a record of said communications session.

Serial No. 09/864,113

Carl Phillip Gusler

Page 17 of 22

Claim 10 (previously presented):

A computer readable medium encoded with software for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said software when executed by an online shopping computer system causing computer system to perform the following actions:

search a list of concurrently online shoppers according to a set of search criteria, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other;

notify a first online shopper that at least one concurrently online shopper meets said search criteria; and

automatically associate said first online shopper with said one or more concurrently online shoppers meeting said criteria.

Claim 11 (original):

The computer readable medium as set forth in Claim 10 wherein said software for notifying a first online shopper comprises software for providing a buddy position indicator on a graphical map of an online shopping mall.

Claim 12 (original):

The computer readable medium as set forth in Claim 10 wherein said software for searching a list of concurrently online shoppers according to a set of search criteria comprises software for searching by an online shopper name criteria.

Claim 13 (original):

The computer readable medium as set forth in Claim 10 wherein said software for searching a list of concurrently online shoppers according to a set of search criteria comprises software for searching by an online shopper position criteria.

Serial No. 09/864,113Carl Phillip GuslerPage 18 of 22

Claim 14 (original):

The computer readable medium as set forth in Claim 10 wherein said software for searching a list of concurrently online shoppers according to a set of search criteria comprises software for searching by an online shopper interest term criteria.

Claim 15 (original):

The computer readable medium as set forth in Claim 10 wherein said software for searching a list of concurrently online shoppers according to a set of search criteria comprises software for searching by an online shopper position proximity criteria.

Claim 16 (original):

The computer readable medium as set forth in Claim 10 wherein said software for automatically associating said first online shopper with said one or more concurrently online shoppers comprises software for setting position coordinates for both shoppers to equivalent values.

Claim 17 (original):

The computer readable medium as set forth in Claim 10 wherein said software for automatically associating said first online shopper with said one or more concurrently online shoppers comprises software for establishing a communications session between said online shoppers.

Claim 18 (original):

The computer readable medium as set forth in Claim 17 wherein said software for establishing a communications session between said online shoppers further comprises software for making a record of said communications session.

Serial No. 09/864,113

Carl Phillip Gusler

Page 19 of 22

Claim 19 (previously presented):

A system for providing enhanced online shopping experiences to online shoppers for automatic association of two or more online shoppers, said system comprising:

a master list of concurrently online shoppers, said shoppers each contemporarily being a user of a common virtual shopping resource, said shoppers being otherwise disassociated with each other;

a buddy list searching facility adapted to search said master list of concurrently online shoppers according to a set of search criteria;

an online shopper notifier for notifying a first online shopper that at least one concurrently online shopper meets said search criteria; and

a shopper associator adapted to automatically associating said first online shopper with said one or more concurrently online shoppers meeting said criteria.

Claim 20 (original):

The system as set forth in Claim 19 wherein said notifier comprises a buddy position indicator on a graphical map of an online shopping mall.

Claim 21 (original):

The system as set forth in Claim 19 wherein said searching facility is adapted to search by an online shopper name criteria.

Claim 22 (original):

The system as set forth in Claim 19 wherein said searching facility is adapted to search by an online shopper position criteria.

Claim 23 (original):

The system as set forth in Claim 19 wherein said search facility is adapted to search by an online shopper interest term criteria.

Serial No. 09/864,113Carl Phillip GuslerPage 20 of 22

Claim 24 (original):

The system as set forth in Claim 19 wherein said search facility is adapted to search by an online shopper position proximity criteria.

Claim 25 (original):

The system as set forth in Claim 19 wherein said associator is adapted to set position coordinates for two or more shoppers to equivalent values.

Claim 26 (original):

The system as set forth in Claim 19 wherein said associator is adapted to establish a communications session between two or more online shoppers.

Claim 27 (original):

The system as set forth in Claim 26 wherein said associator for establishing a communications session between online shoppers further comprises a communications recorder making a record of said communications session.

Serial No. 09/864,113

Carl Phillip Gusler

Page 21 of 22

Evidence Appendix
per 37 CFR §41.37(c)(1)(ix)

No evidence has been submitted by applicant or examiner pursuant to 37 CFR §§1.130, 1.131, or 1.132.

Serial No. 09/864,113

Carl Phillip Gusler

Page 22 of 22

Related Proceedings Appendix

per 37 CFR §41.37(c)(1)(x)

No decisions have been rendered by a court or the Board in the related proceedings as identified under 37 CFR §41.37(c)(1)(ii).

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☐ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.